

JOHN L. BOGARDUS.

FEBRUARY 10, 1836.

Read, and laid upon the table.

Mr. EVERETT, from the Committee on Indian Affairs, made the following

REPORT:

The Committee on Indian Affairs, to which the petition of John L. Bogardus was referred, report :

The petitioner claims compensation for his ferry boats and other property destroyed by the Winnebago Indians, in 1828, at Rock river, in the territory of the Pottawatamie Indians. The amount claimed is \$4,677 62.

It appears that in 1827-'8, the petitioner, with the assent of the principal chiefs of the Pottawatamie tribe, established a ferry at Rock river, on the route from Peoria to Galena, provided ferry boats, built the necessary buildings, and carried thither a large quantity of provisions and other property; that in the spring of 1828, he was driven from the country, and a large portion of said property was taken or destroyed by the Winnebago Indians. The proof is too indefinite to warrant any estimate of his loss, and if the petitioner were entitled to relief, it could be provided for only by a reference of his claim to the War Department, to ascertain the amount on such further proofs as should be exhibited. The committee, however, being of opinion that the petitioner is not entitled to relief, do not recommend such reference.

The injuries complained of were committed *within* the Indian country, and therefore, are not within the provisions of the 14th section of the act of 1802. Those who voluntarily go into the Indian country, in violation of the provisions of that act, submit themselves to all the hazards of the enterprise; and they must content themselves with such protection as Indian usages afford them; and can have no claim on the United States for indemnity for their losses. The United States have, however, endeavored to procure satisfaction for claims of individuals against the Indians, by treaty provisions. The inducement however to this, has arisen in part, if not principally, from the necessity of procuring the aid of the influence of residents in effecting the treaties. In the treaty with the Winnebagoes of August 1, 1829, a provision of this character was inserted, (article 4,) by which \$23,532 was to be paid to persons named in a schedule: "in full satisfaction of the claims by them brought against said Indians, and by them acknowledged to be justly due;" on that occasion the petitioner states, that he presented his claim, and his name was inserted in

the schedule, as entitled to \$300. This, however, was less than the amount of his loss, and was accepted without prejudice to his claim against the United States.

The treaty releases no claims against the tribe, nor contains any other provisions for claimants. It was a mere treaty of limits, from which no engagement on the part of the United States in favor of individuals, further than are named, can be inferred. The committee therefore report the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.